

## **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants previously submitted Claims 1-3, 6, and 8-11 in the application. Presently, the Applicants have amended Claims 1-3, 6 and 8-11 and have canceled Claims 12-20 in response to an election requirement. Accordingly, Claims 1-3, 6, 8 and 9-11 are currently pending in the application.

### **I. Formal Matters and Objections**

The Examiner has objected to Claims 2 and 9-10 as containing informalities; namely various antecedent basis problems. The Applicants also observed in reviewing the claims that Claim 11 had a similar informality. In response, the Applicants have amended Claims 2 and 9-11 to correct these inadvertent errors. The Applicants appreciate the Examiner's diligence in finding and bringing these errors to their attention.

### **II. Rejection of Claims 1-3, 6 and 8-11 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-3, 6 and 8-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,729,642 to Thaniyavarn ("Than") in view of U.S. Patent No. 4,671,605 to Soref ("Soref") and U.S. Patent No. 5,793,508 to Meli ("Meli"). Independent Claim 1 currently includes a number of elements each of which is neither taught nor suggested in the references. One such element is the claimed element that each of the plurality of fibers contains a separately switchable reflector, each of the separately switchable reflectors capable of being switched between reflection and transmission. Another such element is the claimed element that the curved regions of the fibers differ in radii of curvature to provide a successive series of monotonically

different path lengths, the path lengths differing by a few millimeters or less to provide small delay time increments.

With regard to the first missing element, the Examiner states in the most recent Examiner's Action that Than fails to teach or suggest this element. (Page 5, second paragraph, of the Examiner's Action dated March 1, 2004). Similarly, Soref and Meli fail to teach or suggest this element. First, while Meli does teach that Bragg gratings are used as filters, it also teaches that the Bragg gratings reflect the radiation in a narrow wavelength band and transmit the radiation that is outside of that band. Meli, however, makes not a single mention that the Bragg gratings are switchable between reflection and transmission. Therefore, Meli fails to teach or suggest this element. Soref, on the other hand, is not being offered for the teaching that the plurality of separately switchable reflectors are switchable between reflection and transmission. Nevertheless, it is believed that Soref also fails to teach or suggest this claimed element.

With regard to the second missing element, none of the references teaches or suggests that the curved regions of the fibers differ in radii of curvature to provide a successive series of monotonically different path lengths, the path lengths differing by a few millimeters or less to provide small delay time increments. Nowhere in Than is there a teaching that the path lengths differ by a few millimeters or less to provide small delay time increments. Than does teach that its waveguides 20a . . . 20p have different path lengths, however, Than does not specify how small or large the different path lengths need to be. Actually, with respect to Fig. 3 of Than, it teaches that the path lengths may vary greatly. Therefore, Than fails to teach or suggest this element. It is further the belief of the Applicants that Meli and Soref also fail to teach or suggest this element. Nevertheless, the Examiner is not offering either Meli or Soref for this teachings.

As each of the references, that is Than, Meli and Soref, alone fail to teach or suggest the aforementioned claimed elements, the combination must also fail to teach or suggest these elements. Therefore, the combination of references has failed to establish a *prima facie* case of obviousness

with respect to these elements. Claims 1-3, 6 and 8-11 are therefore not obvious in view of Than, Meli and Soref.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1-3, 6 and 8-11 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection.

### **III. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-3, 6 and 8-11.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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